

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BOBBY COCHRAN

v.

JP MORGAN CHASE, N.A.

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NO. 3:10-0753

ORDER

By Order entered August 10, 2010 (Docket Entry No. 7), the Court referred this action to the Magistrate Judge for frivolity review under 28 U.S.C. § 1915(e)(2)(B) and for case management, decision on all pretrial, nondispositive motions and report and recommendation on all dispositive motions under 28 U.S.C. § 636(b)(1) and to conduct any necessary proceedings under Rule 72 of the Federal Rules of Civil Procedure. The plaintiff, acting pro se, filed this civil action in forma pauperis asserting numerous civil causes of action against JP Morgan Chase, N.A., related to “contract for the refinance of a primary residence located at 7176 Chester Road.” See Complaint (Docket Entry No. 1), at 1. By contemporaneously entered Order, the Court found that the plaintiff has alleged non-frivolous claims and ordered that process issue to the defendant in the action.

In conjunction with his complaint, the plaintiff filed a motion for a temporary restraining order (Docket Entry No. 2) and a motion for a preliminary injunction (Docket Entry No. 4). In both motions, it is clear that the plaintiff seeks injunctive relief enjoining the defendant from foreclosing on his property.

However, given that the two motions were filed approximately five months ago and the plaintiff has not filed a notice or supplement to the motions indicating that foreclosure proceedings actually occurred or were scheduled to occur at a date certain, it would appear that there is no risk

of immediate and irreparable harm to the plaintiff based on any foreclosure proceedings and that the need for any type of emergency temporary restraining order or preliminary injunctive relief has become moot. Accordingly, the plaintiff shall file, by January 21, 2011, either: 1) a supplemental memorandum explaining why there remains a need for preliminary injunctive relief in light of the facts as they exist currently and further showing that he has complied with the requirements of Rule 65(b)(1)(A)-(B) of the Federal Rules of Civil Procedure and Local Rule 65.01(c); or 2) a notice withdrawing his motions.¹

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

So ORDERED.



JULIET GRIFFIN
United States Magistrate Judge

¹ Any notice of withdrawal filed by the Plaintiff shall be with leave permitting the plaintiff to re-file the motions at a later date.